

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA  
MARTINSBURG**

**MICHAEL DANIEL BOWMAN,**

**Petitioner,**

**v.**

**CIVIL ACTION NO.: 3:22-CV-33  
(GROH)**

**SHAWN STRAUGHN,  
Superintendent,**

**Respondent.**

**ORDER ADOPTING REPORT AND RECOMMENDATION**

Currently before the Court is a Report and Recommendation (“R&R”) entered by United States Magistrate Judge Robert W. Trumble on September 16, 2022. ECF No. 24. Therein, Magistrate Judge Trumble recommends that this Court dismiss the Petitioner’s Petition without prejudice. The Court finds this matter is now ripe for review.

Pursuant to 28 U.S.C. § 636(b)(1)(C), this Court must conduct a *de novo* review of the magistrate judge’s findings where objection is made. However, the Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge to which no objection is made. Thomas v. Arn, 474 U.S. 140, 150 (1985). Failure to file timely objections constitutes a waiver of *de novo* review and of a petitioner’s right to appeal this Court’s Order. 28.U.S.C. § 636(b)(1); Snyder v. Ridenour, 889 F.2d 1363, 1366 (4th Cir. 1989); United States v. Schronce, 727 F.2d 91, 94 (4th Cir. 1984).

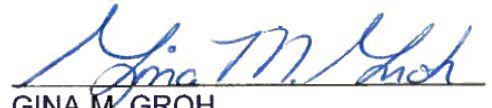
Objections to Magistrate Judge Trumble’s R&R were due within fourteen plus three days of service. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). The R&R was mailed to

the Petitioner by certified mail on September 16, 2022. ECF No. 24. It was received by the Petitioner on September 19, 2022. ECF No. 25. To date, no objections have been filed. Accordingly, this Court reviews the R&R for clear error.

Upon careful review and thoughtful consideration, it is the opinion of this Court that Magistrate Judge Trumble's R&R [ECF No. 24] should be, and is hereby, **ORDERED ADOPTED** for the reasons more fully stated therein. Therefore, the Petitioner's § 2254 Petition [ECF No. 1] is **DENIED** and **DISMISSED WITH PREJUDICE**.

The Clerk of Court is **DIRECTED to TERMINATE as MOOT** any outstanding Motions. The Clerk is further **DIRECTED** to transmit a copy of this Order to all counsel of record via electronic means and to the *pro se* Petitioner by certified mail, return receipt requested, at his last known address as reflected upon the docket sheet.

**DATED:** November 1, 2022

  
GINA M. GROH  
UNITED STATES DISTRICT JUDGE